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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

YUTTASAK SIMMA,

Petitioner,

v.

ALBERTO GONZALES, in his official capacity
 as Attorney General of the United States;
 MICHAEL CHERTOFF, in his official capacity
 as Secretary of the United States Department of
 Homeland Security; NANCY ALCANTAR, in
 her official capacity as Field Office Director for
 the Office of Detention and Removal Operations
 for Immigration and Custom Enforcement;
 DAVID SEPULVEDA, in his official capacity as
 Director of the Main Jail of the Santa Clara
 County Correctional Facilities,

Respondents.

No. C 07-3534 MMC

**STIPULATION TO DISMISS; ORDER
 THEREON**

Subject to the Court's approval, the parties hereby stipulate to dismissal of the action without
 prejudice because the United States Immigration and Customs Enforcement ("ICE") has agreed to
 release Petitioner from custody on or before September 6, 2007.

The parties will bear their own costs and fees.

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Stipulation to Dismiss Without Prejudice
 C-07-3534 MMC

1 Date: September 5, 2007

Respectfully submitted,

2 SCOTT N. SCHOOLS
3 United States Attorney

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5 /s/
6 ILA C. DEISS
7 Assistant United States Attorney
8 Attorneys for Respondents

9 Date: September 5, 2007

10 /s/
11 RUOYU ROY WANG
12 Attorney for Petitioner

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14 **ORDER**

15 Pursuant to stipulation, IT IS SO ORDERED.

16 Date: September 5, 2007

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19 MAXINE M. CHESNEY
20 United States District Judge